# PEOPLE

Discover Your Legislature Series

Legislative Assembly of
British Columbia
Victoria
British Columbia
V8V 1X4

104-05618/

# Contents


**MEMBERS OF THE LEGISLATIVE ASSEMBLY** 1

Becoming an MLA 1

MLAs in the House 1

Making Laws 1

Granting Supply And Approving Taxes 2

Asking Questions 2

Representing And Acting For Their Constituents 2

Making Private Statements 3

Sitting On Committees 3

Government 4

Premier and Cabinet 4

Government Members 6

Opposition 7

Role of the Opposition 7

Leader of the Opposition 8

Shadow Cabinet 8

Opposition Members 8

Independent Private Members 9

Other Roles in the Chamber 9

House Leaders 9

Whips 10

**SPEAKER** 10

The Speaker as MLA 11

The Speaker as Presiding Officer 10

Other Presiding Officers 12

The Deputy Speaker and the Deputy Chair, Committee of the Whole 12

Chairs Of Select Standing And Special Committees 12

A Little Bit of History 12

**QUEEN/THE CROWN** 13

Lieutenant-Governor-in-Council 14

## Contents (cont'd)


**CLERK OF THE HOUSE** 14

B.C.'s Longest-Serving Clerk 15

A Little Bit of History 16

**SERGEANT-AT-ARMS** 16

In the House 17

A Little Bit of History 17

**PAGES** 18

**STATUTORY OFFICERS OF THE LEGISLATURE** 18

Auditor General 18

Chief Electoral Officer 19

Conflict of Interest Commissioner 19

Information and Privacy Commissioner 19

Ombudsman 20

Police Complaint Commissioner 20

# MEMBERS OF THE LEGISLATIVE ASSEMBLY

## BECOMING AN MLA

The Legislature of British Columbia is composed of the Lieutenant-Governor and the 79 elected Members of the Legislative Assembly, or MLAs. The composition of the Legislative Assembly reflects the diversity of British Columbia. Female and male members from a diversity of ethnic groups hold seats in the present House.

One MLA is elected in each of the 79 constituencies across the province. Any Canadian citizen who is 18 years of age or older on election day and has lived in British Columbia for at least six months may be nominated as a candidate for election as an MLA.

Candidates must fill out a nomination form, signed by at least 25 voters, stating that they are eligible for election and identifying which political party (if any) they represent and in which constituency they intend to run. (A candidate can live in one constituency and run for election in another.)

Typically, candidates have also been actively involved in their constituency and have already been through a political party nomination process, in accordance with their party's constitution and the *Election Act*, R.S.B.C. 1996, c. 106.

## MLAs IN THE HOUSE

### Making Laws

When the House is sitting, MLAs are responsible for studying, debating and voting on all bills (proposed laws) put before them. It is their job to examine arguments for and against each bill and to consider the views and concerns of British Columbians before deciding to support or reject it. In practice, however, all the MLAs of a political party usually vote the same way on any major issue. This practice stems from the principles of responsible government, developed prior to Confederation. If the majority of MLAs support a bill, upon Royal Assent, it becomes an act of the Legislative Assembly, and upon proclamation becomes a law.

Any MLA may introduce a bill. Most public bills are introduced by a cabinet minister, including, by law, all tax-related bills. An example is Bill 2, the *Taxation Statutes Amendment Act, 2001*, S.B.C. 2001, c. 34, introduced by the Minister of Finance. For more information, please see Bills: Origins and Types.

A public bill introduced by an MLA who is not a cabinet minister is known as a public bill in the hands of a private member. An example of a public bill in the hands of a private member is Bill M201, *An Act to Restore Transportation Services in Greater Vancouver.*

A bill introduced by an MLA on behalf of a person or group outside the Legislative Assembly is called a private bill. One example of a private bill passed by the Legislative Assembly is Bill Pr403, *The Bank of Nova Scotia Trust Company Act, 2001*, S.B.C. 2001, c. 50.

### Granting Supply And Approving Taxes

The government of British Columbia acts in the name of the Crown and is responsible for managing all the revenue of the state, including all payments for the public service. The Cabinet informs the Legislative Assembly of the financial requirements of the government. In turn, the Legislative Assembly authorizes the supply (grants of money) and the taxes. No tax may be imposed or money spent without the consent of the Legislative Assembly. For more information, please see Purpose: Approve Finances.

MLAs are responsible for debating and voting on "estimates." This is the money requested each spring by the Minister of Finance on behalf of government ministries to fund programs and pay staff for the upcoming fiscal year. Every financial appropriation (allotment) approved by the Legislative Assembly is passed in the form of legislation known as a supply bill. Once the Legislative Assembly has debated and voted on all financial requests of the Minister of Finance, it will approve a final supply bill. The passing of this bill authorizes the government to withdraw from the Consolidated Revenue Fund amounts up to but not exceeding those approved by the Legislative Assembly.

Approval of taxation by the Legislative Assembly is secured in the form of adoption of a taxation bill introduced in the House and subjected to the usual public bill requirements of three readings.

### Asking Questions

Every Monday to Thursday, MLAs participate in Question Period, an intense 15-minute period of rapid-fire questions and answers. This is the time for private members, usually opposition members, to question the Premier and cabinet ministers directly about government plans and activities.

### Representing And Acting For Their Constituents

While the House is sitting, MLAs represent the people of their constituencies (their constituents) by asking questions and raising issues that concern them.

They also act for their constituents by presenting petitions on their behalf that ask government to take action on a particular issue and by introducing both public and private bills.

MLAs maintain an office in their home constituency. A major part of an MLA's full-time year round job is to provide his or her constituents with advice, guidance and, when necessary, hands-on assistance in dealing with government programs and agencies.

When the House or committees are not sitting, MLAs can usually be found at their constituency offices or meeting with individuals, local businesses and community groups, to keep in touch with what their constituents think and feel and to assist them with their needs.

### Making Private Statements

Each week during Private Members' Time on Monday mornings, the House sets aside one hour to hear up to four 15-minute statements by private members (MLAs who are not members of the Cabinet). Members use this opportunity to discuss matters of constituency or general public importance.

As well, up to three private members may make two-minute statements prior to Question Period every Monday through Thursday afternoon on a topic of their choice.

### Sitting On Committees

Legislative committees, composed of MLAs, come together throughout the year to discuss social and economic issues of importance to British Columbians. In B.C. committees cannot initiate inquiries but must be given terms of reference by the House.

Select standing (permanent) committees are authorized by the Legislative Assembly to investigate and report on a particular issue (e.g., finance, Aboriginal affairs, education or health) for the duration of the legislative session.

Occasionally the Legislative Assembly also sets up what are called "special" committees to look closely at a single specific issue. A special committee ceases to exist after it has completed its investigation and presented its final report to the House. For example, a special committee may be asked to appoint a new statutory officer when the incumbent statutory officer's term expires.

## GOVERNMENT

### Premier and Cabinet

Canada is a constitutional monarchy, and as such, the *Constitution Act, 1867*, states that the authority of our executive government is vested in the Queen. Although the Premier is the day-to-day head of the provincial government, he or she receives the authority to govern from the Crown (represented in British Columbia by the Lieutenant-Governor). Formally, in fact, the executive branch of government in British Columbia is said to be vested in the Lieutenant-Governor acting by and with the advice of the Premier.

The political party that wins the largest number of seats in a general election is usually invited by the Lieutenant-Governor to form the government. Its leader becomes the head of the provincial government and is known as the Premier.

Interestingly, the position of the Premier is not described in detail in the *Constitution Act*, R.S.B.C. 1996, c. 66. Instead, the position's power and authority largely depend on his or her relationship with other Members of the Legislative Assembly, with his or her political party and with the public in general.

The responsibilities of the Premier usually include:

- serving as the President of the Executive Council and head of the provincial Cabinet. The Executive Council is the formal name of the Cabinet when it is acting in its legal capacity.
- serving as the head of the provincial government
- leading the development and implementation of government policies and priorities
- serving as the senior communicator of government priorities and plans between:
    - the Lieutenant-Governor and Cabinet
    - the British Columbia government and other provincial and territorial governments
    - the British Columbia Government and the federal government and international governments
- providing advice to the Lieutenant-Governor on the exercise of the Queen's and the Lieutenant-Governor's powers
- functions in respect of the Province of British Columbia, such as recommending to the Lieutenant-Governor the appointment of cabinet ministers and allocating ministerial portfolios
- serving as leader of a major political party and its caucus of MLAs
- representing his or her constituency in the Legislative Assembly

Generally, the Premier selects MLAs from his or her party to be appointed ministers of the Crown by the Lieutenant-Governor. Cabinet appointees are designated ministers in charge of government ministries; they are responsible for the day-to-day activities of individual government ministries such as the Ministry of Forests, and for proposing new laws or changing existing ones. The Premier may also choose an individual who is not an MLA to be a cabinet minister, although on the rare occasion that this does happen, the practice is that the minister proceeds to obtain a seat in the House. The appointment of an MLA to Cabinet is based on his or her ability and expertise and is also influenced by political considerations such as geography, gender and ethnicity.

A cabinet minister remains in office solely at the pleasure of the Premier. The resignation of the Premier dissolves the Cabinet, but does not involve the resignation of the Executive Council as a whole or individual cabinet ministers.

When the Premier and cabinet ministers are acting in a formal legal capacity to execute their executive powers, they are known as the Executive Council. Their executive powers include formulating policies, proposing measures required for policy implementation and exercising absolute control of the province's finances. In fact, the "Cabinet" is an informal body with no legal or constitutional basis, but the "Executive Council" is the legal agency through which ministers collectively — as the Lieutenant Governor-in-Council — exercise powers.

In British Columbia, the Executive Council is composed of the Cabinet. Cabinet ministers are responsible to the Legislative Assembly, which means that they are answerable to the House for their actions and plans. This is known as "responsible government." They must maintain the confidence (the support) of a majority of the elected members in the House.

Cabinet ministers are also responsible for proposing new laws and changing existing ones. These measures come before the House as proposed legislation, or "bills." The Cabinet sets priorities for the government. It decides which issues must be dealt with and in which order they should be addressed.

**Cabinet Secrecy**

Everything that goes on in Cabinet is confidential, with the exception of open Cabinet meetings that are accessible to the public, a B.C. innovation started in 2001. All ministers must take the Executive Council oath declaring that they will not reveal confidential Cabinet discussions. Cabinet secrecy ensures that the Crown is advised by cabinet ministers who can freely consider and discuss all options and opinions.

**Cabinet Solidarity**

Cabinet ministers also adhere to the principle of collective ministerial responsibility. Each minister is expected to take responsibility for and defend all Cabinet decisions. Even if there is disagreement amongst cabinet members about a decision, once it is made, every cabinet member must support and defend it. This principle provides stability within the framework of ministerial government by uniting the responsibility of individual ministers under the collective responsibility of Cabinet and the Crown.

**Ministerial Responsibility**

Cabinet ministers have both individual and collective responsibilities to the Legislative Assembly. The principle of individual ministerial responsibility holds that ministers are accountable not only for their own actions as heads of government ministries but also for the actions of their subordinates.

All government ministries, agencies, boards and commissions, except statutory officers, operate under the direct authority of a cabinet minister. Therefore, all government activity is carried out in the name of a minister who, in turn, is responsible to the Legislative Assembly for those acts. Ministers exercise power and are constitutionally responsible for the provision and conduct of government. The Legislative Assembly holds them personally responsible for it. Individual ministerial responsibility provides the basis of accountability throughout the system.

## Government Members

**Private Members**

MLAs who are not in the Cabinet are called private members, commonly referred to as backbenchers, even though they actually sit in chairs at desks. The term "backbenchers" goes back to when our system of government was first established in Great Britain, nearly 800 years ago. All Members of Parliament sat on benches, but usually only the leading members of each party got to sit in the front. Most Members of Parliament who were not in the Cabinet had to sit on benches in the back.

In the House, MLAs represent the people of their constituencies by asking questions and raising issues that concern them. They may propose private members' bills, and they may also sit on legislative committees. Their activities complement their party's policies and political strategy. They also take part in "in-camera" (closed) sessions of their party caucus, where they can express their views and take part in discussions.

### Government Caucus

A government caucus is made up of MLAs from the governing party who meet regularly and privately to discuss political and government policy, strategy and tactics. Private members, who are usually bound by party discipline not to express any disagreement with their party's position in public or in committee, are able to use private caucus meetings to speak freely. Cabinet often uses caucus as a sounding board for proposed legislation before it is brought before the House.

### Party Discipline

All MLAs who are elected as party candidates (i.e., not as independents) must act as part of a group (their party). They support their party's policies and generally do not disagree with their party's position in public. Because the government will only remain in power with the support of the majority of Members of the Legislative Assembly, it is the invariable practice that members of the government caucus will vote together to avoid a defeat of the government in the House. However, on occasion the Premier will permit a free vote, allowing the members of the government caucus to vote based on their individual preferences.

## OPPOSITION

The importance of the opposition in the system of parliamentary government has long been recognized. The opposition is also known as Her Majesty's Loyal Opposition, which indicates that although the opposition may be in disagreement with the government, they remain loyal to the Crown, even though they have different ideas on how government should be run.

Historically and traditionally, the party that wins the second-largest number of seats becomes the Official Opposition, and its leader becomes the Leader of the Official Opposition.

### Role of the Opposition

The primary role of the opposition, as well as other, smaller opposition parties and independent MLAs, is to question government actions, to present alternatives to government positions and to provide the option of an alternative government. As a result of the 2001 general election in British Columbia, the opposition is relatively small, consisting of only two MLAs.

The opposition enjoys privileges and duties well established by tradition. The floor of the House provides the opposition with a key area in which to perform their role, which is to scrutinize, appraise and criticize effectively the policies and administration of the government. Opportunities for the opposition

to perform their unique role include Question Period and the two major debates: the Speech from the Throne and the budget speech. Debates on legislation also provide an opportunity for the opposition to criticize the government and put forward amendments.

The opposition also works to communicate its views to British Columbians and to establish an identity as an alternative government. The opposition holds an important role in the Legislative Assembly and contributes to the overall effectiveness of parliament by monitoring the Cabinet and encouraging the government to act prudently.

### Leader of the Opposition

The Leader of the Opposition has one of the most difficult jobs in the Legislative Assembly. The opposition leader must understand and be ready to address every bill that is proposed. Working under intense pressure and on short notice, the opposition leader must always be alert and ready to respond.

The role of the Leader of the Opposition is important in a parliamentary democracy because it provides an alternative view on how the province should be run and ensures government accountability.

The Leader of the Opposition is, by custom, accorded certain rights and privileges. These include a seat in the front row of the Chamber, an extended speaking time when participating in debate and priority in responding to the Speech from the Throne and the budget speech and in responding to ministerial statements. Traditionally, the Speaker recognizes the Leader of the Opposition as the first to ask a question during the daily Question Period, should he or she rise to seek the floor.

### Shadow Cabinet

The leader of an opposition party may choose MLAs from his or her party to serve as critics, watching one specific ministry very closely and asking questions about that ministry's activities and plans. Collectively the critics that are assigned one or more government ministry or agency to watch are sometimes referred to as a "shadow cabinet." The critics become knowledgeable of the issues and policies of that ministry and can provide informed advice and criticism.

### Opposition Members

In the House, MLAs represent the people of their constituencies by asking questions and raising issues that concern them. They may propose private members' bills, and they may also sit on legislative committees. Their activities complement their party's policies and political strategy. They also take part in "in-camera" (closed) sessions of their party caucus, where they can express their views and take part in discussions.

**Opposition Caucus**

An opposition caucus is a group of MLAs from an opposition party that meets regularly and privately to discuss government activity and political policy, strategy and tactics. The chief purpose of an opposition caucus is to develop parliamentary strategies and tactics to scrutinize and criticize the government.

**Party Discipline**

Like the members of the government caucus, members of the opposition caucus usually support their party's policies and generally do not disagree with their party's position in public. However, on occasion, opposition members may be allowed to vote based on their individual preferences. This practice is known as a free vote.

## INDEPENDENT PRIVATE MEMBERS

Occasionally a person who is not a member of a political party is elected as an MLA. A person can run in an election as an independent. If they are elected, they serve as an independent private member and act on behalf of their constituents independently of any party affiliation. An independent private member may also sit as an independent with a party affiliation. An independent private member is not bound by party discipline and may raise issues that party members may not. However, they do not receive the same benefits as those members who belong to a party with official status. They do not necessarily receive priority recognition during Question Period, funding for research and support, or the right to reply to ministerial statements.

On occasion, a member changes political party affiliation. He or she may choose to sit as an independent or as a member of a different party. This is known as "crossing the floor."

## OTHER ROLES IN THE CHAMBER

### House Leaders

House Leaders are appointed by each party caucus to manage the workload of the Legislative Assembly. The House Leaders meet regularly to consult one another on the sequence and transaction of parliament business. This practice has evolved over time to ensure that the business of the House is conducted in an organized manner.

The Government House Leader is always a cabinet minister who is responsible for announcing the daily order of House business. The Government House Leader develops the schedule for debating all public bills and the budget. In addition to announcing agreement on time allocation, the Government House Leader can move, without notice, procedural and other motions relating to the House business, subject to the Standing Orders, and has the power to adjourn proceedings.

### Whips

Each caucus also selects a member to serve as the caucus Whip. Whips ensure that members discharge their caucus responsibilities, such as attending and participating in the House and in committee meetings and voting with the other members of the caucus. Whips are responsible for enforcing party discipline, and they serve as a key communication link between party leadership and private members in the House.

## SPEAKER

The Speaker is a key figure in the Legislative Assembly.

The Speaker is an MLA elected in a secret ballot by all Members of the Legislative Assembly to preside over debates and make sure the House follows established rules of behaviour and procedure.

The election of the Speaker is the first item of business for a new parliament and is open to all MLAs except cabinet ministers. It takes place on the first sitting day after each general election or when a Speaker resigns, retires or dies. If there is not a Speaker in place, a new session of the House cannot proceed with its business until one is elected. The election of the Speaker is presided over by the Clerk of the House.

The Speaker is neutral, responsible for making sure that all MLAs, no matter what party they belong to, are treated fairly and impartially. He or she votes in the House only to break a tie.

### THE SPEAKER AS MLA

The Speaker, when elected, does not stop being an MLA. That means that while remaining neutral and avoiding taking public positions on politically controversial matters before the House, the Speaker must still continue to listen to the people of his or her constituency and to effectively represent their interests. The Speaker does this by making private recommendations to government and organizations on issues affecting his or her constituents. The Speaker, however, does not attend caucus meetings.

## THE SPEAKER AS PRESIDING OFFICER

Balancing the right of the majority to conduct business with the right of the minority to be heard is one of the Speaker's most difficult tasks.

The primary role of the opposition is to question government actions and present alternatives to government positions. While this kind of adversarial system is a cornerstone of democracy, debates can, like a hockey game, sometimes get heated. The Speaker serves as a very necessary referee, ensuring fair play by all MLAs.

It is the Speaker's job to enforce the Standing Orders — the House rules of parliamentary procedure, which are designed to make sure that debates in the House are properly carried out and that all MLAs have the opportunity to participate.

These rules require all MLAs to show respect for the Speaker and for each other. For example, members must not speak unless "recognized" (allowed to speak) by the Speaker and must not interrupt when the Speaker is speaking.

In addition, to discourage personal attacks, MLAs must address the House through the Speaker at all times, rather than addressing each other directly. When referring to one another, they must use the name of an MLA's constituency (e.g., "the honourable member for Victoria–Beacon Hill") rather than the MLA's actual name.

This helps maintain order in the House. In a spirited debate, the Speaker can act as a buffer between members, and heated words may be less inflammatory when directed through the Speaker. The Legislative Assembly is a forum for robust debate, not merely a polite debating society.

If an MLA does not obey the rules and makes inappropriate or discourteous remarks, the Speaker will ask the member to withdraw those remarks. If the member does not comply with the Speaker's instructions, the Speaker has the power to order the MLA to withdraw from the House for the day. For more serious offences, the Speaker "names" the MLA, which means the MLA may be suspended from the House without pay for anywhere from one to 15 days.

If the MLA refuses to leave the Chamber as requested, the Speaker may ask the Sergeant-at-Arms to remove the member. In such a case, the offending member may be suspended for the balance of the session.

## OTHER PRESIDING OFFICERS

### The Deputy Speaker and theDeputy Chair, Committee Of The Whole

The House also appoints one of its members Deputy Speaker and another member Deputy Chair, Committee of the Whole. If the Speaker is absent, the Deputy Speaker presides over debate in his or her stead, with all the same powers, privileges and duties. If the Deputy Speaker is absent, the Deputy Chair may preside over debates in the Chamber. In the event that both are absent, any member appointed by the House shall take the chair, perform the duties and exercise the authority of the Speaker in relation to all the proceedings of the House.

### Chairs of Select Standing and Special Committees

At the beginning of each session, a committee (the Special Committee of Selection) is formed to choose members for select standing and special committees. The Chairs of select standing and special committees preside over committee meetings and present committee reports to the House.

## A LITTLE BIT OF HISTORY

The Speaker has been part of the British parliamentary system since 1377. The first person to be called "the Speaker" was Sir Thomas Hungerford. In the beginning, the Speaker was responsible for carrying messages, often complaints or grievances, from the people's representatives to the King or Queen. This explains the title of "Speaker" — the one person empowered to speak to the monarch on behalf of Parliament.

At the time, the Speaker advised Parliament of the monarch's wishes and conveyed to the monarch Parliament's response. This was a potentially hazardous profession. The monarch was apt to express his displeasure at Parliament's reply by putting the Speaker to death. History records at least nine such cases.

This rather bloody and dangerous past explains why a Speaker, upon election, will pretend to be reluctant to take the Speaker's chair and must be dragged to the front of the Chamber.

The first Speakers were not appointed by Parliament but by the monarch. The Speaker was there to manage parliament on behalf of the King or Queen, not to serve as an impartial arbiter of proceedings. As the power of Parliament grew, the Speaker was no longer the agent of the monarch. In the famous incident of 1642, Speaker Lenthall refused the demand of Charles I to produce five members for arrest

with his famous speech: "I have neither eyes to see nor tongue to speak in this place but as the House is pleased to direct me, whose servant I am here." By the end of the 17th century, the Speaker was a fully independent appointee of the House.

On the very first day of the first parliament in B.C., February 15, 1872, Lieutenant-Governor Trutch would not continue with the opening proceedings because a Speaker had not yet been chosen. With Trutch absent, the members elected James Trimble as the first Speaker, and the following day the Lieutenant-Governor returned and read the inaugural Speech from the Throne. To this day the Lieutenant-Governor will not open parliament until a Speaker has been elected.

## QUEEN/THE CROWN

Canada's system of government is a constitutional monarchy. It is a parliamentary system of government based on the British model. In fact, the preamble of the *Constitution Act, 1867,* provides that our country shall have a constitution similar in principle to that of the United Kingdom. Canada's constitution established a federation made up of ten provinces and three territories.

The Canadian monarch is the same person as the British monarch, Queen Elizabeth II. She is Queen of Canada and the constitutional head of state of Canada. The Governor General represents the Queen in Canada. Lieutenant-Governors are the Queen's representatives in each province and are appointed by the Governor-in-Council (federal Cabinet).

The Lieutenant-Governor's approval (called Royal Assent) is needed before a bill passed by the Legislative Assembly can become law. Any government bill that requires spending public money (our tax dollars) or imposes a new tax must, by law, be accompanied by a recommendation, or "message," from the Lieutenant-Governor when it is introduced in the House. However, the practice in B.C. is that all government bills are accompanied by a message from the Lieutenant-Governor. The formal statutory requirement harmonizes control of public spending and dates back hundreds of years, when only the King or Queen could raise funds for public projects.

At the beginning of each new session of the Legislative Assembly, the Lieutenant-Governor opens the session by reading the Speech from the Throne, announcing the government's plans for that session. He or she also prorogues (closes) each session and dissolves the Legislative Assembly prior to a provincial general election.

The Lieutenant-Governor invites the leader of the political party that wins the largest number of seats in a general election to form the government. The leader becomes the Premier of the province.

Executive government in British Columbia is vested in the Lieutenant-Governor acting by and with the advice of the Premier. The Premier selects MLAs from his or her party and advises the Lieutenant-Governor to appoint them ministers of the Crown, known as the Cabinet. The Lieutenant-Governor also has the power to dismiss both the Premier and cabinet ministers.

The monarch, represented by the Lieutenant-Governor, reigns but doesn't govern. He or she has the authority to assent to legislation but does so only on the advice of the Premier.

### LIEUTENANT-GOVERNOR-IN-COUNCIL

The Lieutenant-Governor acts on and with the advice of the Premier, who is also President of the Executive Council.

It is a common practice for the Legislature to delegate statutory powers to a variety of recipients. Of these, the most important is the Lieutenant-Governor-in-Council, (the Lieutenant Governor, acting by and with the advice and consent of the Executive Council). When the Lieutenant-Governor-in-Council exercises delegated authority, this is usually implemented in the form of an Order-in-Council (OIC). Although Orders-in-Council are passed by the Lieutenant-Governor-in-Council, the Lieutenant-Governor does not meet with the Executive Council to consider the content of each order. Instead, once the Executive Council has passed an Order-in-Council, it is then sent to the Lieutenant-Governor for signature. Each order-in-council is signed by the minister responsible (the one whose ministry is involved), the Premier, in his capacity as President of the Executive Council, and the Lieutenant-Governor. Any regulations passed in the form of an Order-in-Council have the same legal effect as if passed by the Legislature, but are said to have been made by the Lieutenant-Governor-in-Council.

## CLERK OF THE HOUSE

The Clerk of the House is the senior permanent officer of the Legislative Assembly. The Clerk is non-partisan (with no bias for or against any political party). The primary role of the Clerk is to interpret the Standing Orders, conventions, precedents and usages in order to advise the Speaker and MLAs on parliamentary procedures.

The Clerk is at the service of the Legislative Assembly and of all MLAs, regardless of party affiliation. All MLAs must be listened to, advised and counselled with utter objectivity and confidentiality. Like the Speaker, the Clerk must accord equal treatment to every MLA in order to preserve a reputation of impartiality.

After either a general election or a by-election, the Clerk administers the Oath of Allegiance to every elected member, including those who have been re-elected. They must swear the oath or make affirmation and sign the Parliamentary Roll, or they cannot take their seats in the House. The Clerk also presides over the election of the Speaker.

In addition to procedural responsibilities, the Clerk is responsible for the preparation and printing of the Orders of the Day and the Votes and Proceedings. He or she is the custodian of all records or other documents of the House and has custody of legislation throughout its stages and proceedings.

The Clerk, on the Speaker's behalf, has extensive administrative functions. These include the direction and control of the various departments of the Legislative Assembly (the offices of the Clerk of Committees, Sergeant-at-Arms, Hansard, Legislative Comptroller, Computer Systems, Human Resources, Public Education and Outreach and the Legislative Library) in the day-to-day running of the Legislative Assembly.

The Clerk's role demands awareness of even the most minor events, as they may contribute to an understanding of how a situation is developing and make it easier to make recommendations and give advice.

The Clerk is assisted by a number of Clerks Assistant. They are also responsible for advising parliamentary committees on procedure and are, in essence, the procedural and legal experts and secretariat of the Legislative Assembly.

The Clerk of the House and Clerks Assistant sit at the Clerks' Table on the floor of the Chamber. Like the Speaker, they also wear formal court attire, including a black robe, wing collar and white tabs.

## B.C.'s LONGEST-SERVING CLERK

E.K. (Ned) DeBeck, Q.C., began as Clerk of the House in 1949 and continued to serve for 24 years, till 1973. His fellow Clerks and members alike had great affection for him. The main reception room in the Legislative Assembly was named the Ned DeBeck Lounge in his honour.

With 40 years of service, the present Clerk of the House, E. George MacMinn, Q.C., has served as an officer of the House longer than any other Clerk in the Commonwealth. He was appointed Clerk of the House in 1993. He is also the author of *Parliamentary Practice in B.C.*, through three editions. This text is the authority of choice in the Legislative Assembly.

## A LITTLE BIT OF HISTORY

The first appointment of an official to record the proceedings of Parliament was in 1363, in Britain. The Clerk that sits at the table of the Legislative Assembly of British Columbia follows the same profession today, maintaining the official record of what is done in the House. (Not to be confused with Hansard verbatim record of proceedings of the House.)

The first Clerk Assistant, John Rushworth, was also one of the most notable. Appointed to the House of Commons at Westminster in 1640, he recorded one of the most important events in the history of Parliament. On January 4, 1642, Charles I of England stormed into the House of Commons and demanded the arrest of five members. Speaker Lenthall gave his famous refusal to the King and established the Speaker as a servant of Parliament.

Other Clerks of note include Sir Thomas Erskine May, Clerk of the House of Commons at Westminster in the late 1800s and author of what remains the definitive treatise on parliamentary practice in the Commonwealth. In Canada John George Bourinot (Clerk of the House of Commons from 1880 until 1901) and Arthur Beauchesne (Clerk of the House of Commons from 1925 until 1949) each wrote important books on parliamentary procedure.

## SERGEANT-AT-ARMS

The Sergeant-at-Arms is a permanent officer of the House whose functions have evolved over several centuries of parliamentary tradition, beginning with the appointment of the first Sergeant-at-Arms for the British House of Commons in 1415. In the British Columbia Legislative Assembly, the Sergeant-at-Arms has responsibility for the ceremonial aspects of the House and for administrative and support functions primarily related to security, ensuring that the House, its committees and its members are able to conduct their business without disturbance or interruption.

The Sergeant-at-Arms manages access to the public galleries and other parts of the Parliament Buildings and is responsible for managing the legislative security staff and providing security services to the Parliament Buildings complex, its occupants and the public. Related functions of the Sergeant-at-Arms include custody of the Chamber and its furnishings, custody of bills prior to introduction, timely distribution of legislative documents and overseeing parking facilities and messenger and courier services.

The ceremonial role involves carrying the mace and walking at the head of the procession that escorts the Speaker, followed by the Clerks, into and out of the Chamber at the opening and closing of the day's sitting. The Sergeant-at-Arms is the guardian of the mace and ensures that it is properly placed on the table when the House sits or on brackets below the table when the House sits in Committee of the Whole. In the Chamber the Sergeant-at-Arms sits in a chair near the Bar of the House, facing the Speaker.

The Sergeant-at-Arms is responsible for security within the parliamentary precinct and is assisted by security staff to this end. These security functions include ensuring that order is maintained whether the House is sitting or not and, if necessary, on order of the Speaker, escorting from the House strangers who are guilty of misconduct, creating a disturbance or entering a building improperly. The security staff of the Sergeant-at-Arms controls admission to the visitors and public galleries and to all other parts of the Parliament Buildings.

## IN THE HOUSE

When the Legislative Assembly is sitting, the Sergeant-at-Arms or a deputy is always present in the Chamber and acts on the instructions of the Speaker in the event of any disorder in the Chamber, the lobbies and corridors, or the public galleries. Under the authority of the House, the Sergeant-at-Arms may take into custody any persons who misconduct themselves. The Sergeant-at-Arms may also ensure the attendance at the Bar of the House of any persons who are summoned by the House.

## A LITTLE BIT OF HISTORY

In 1279 Edward I formed a bodyguard of 20 Sergeants-at-Arms. These men protected the King and carried an elaborate battle-mace, both as a weapon and as a badge of office and authority, displaying the royal insignia to people who could not read.

## PAGES

During sessions of the Legislative Assembly, high school students are employed as Pages. They work under the Sergeant-at-Arms as messengers for MLAs in the Chamber and the Speaker's corridor. They also run errands for members within the Parliament Buildings.

Until 1972 all Legislative Assembly Pages were boys. Pages wear uniforms of blue blazers, white shirts and grey trousers for boys and blue blazers, white blouses and grey skirts for girls.

## STATUTORY OFFICERS OF THE LEGISLATURE

Statutory officers play an important part in holding the government accountable to the Legislative Assembly and to the public. They help the Members of the Legislative Assembly monitor and assess government programs, procedures and performance. Statutory officers serve for fixed terms that vary according to the statute governing each position.

### B.C.'S STATUTORY OFFICERS OF THE LEGISLATURE

| | |
|---|---|
| Auditor General | www.bcauditor.com |
| Chief Electoral Officer | www.elections.bc.ca |
| Conflict of Interest Commissioner | www.gov.bc.ca/oci |
| Information and Privacy Commissioner | www.oipcbc.org |
| Ombudsman | www.ombudsman.bc.ca |
| Police Complaint Commissioner | www.opcc.bc.ca |

### AUDITOR GENERAL

www.bcauditor.com

The Auditor General works independently for the Legislature, providing assessments and advice that aim to enhance government accountability and performance. The Auditor General assists the Legislature, under the authority of the *Auditor General Act*, R.S.B.C. 1996, c. 23, in overseeing the management of public money. Audits and reports are submitted to the House, and advice is given about specific ways to improve government accountability. The Office of the Auditor General provides a critical link in the chain of public accountability, a role that is both unique and vital to the democratic process of responsible government.

## CHIEF ELECTORAL OFFICER

www.elections.bc.ca

The Chief Electoral Officer is a statutory officer of the Legislature responsible for the impartial administration of provincial electoral events and referendums, recalls and initiatives. The Chief Electoral Officer is also responsible for the maintenance of the provincial voters list and voter education.

The mission of the Chief Electoral Officer is to serve the people of British Columbia by ensuring the effective and impartial administration of the provincial electoral process in accordance with the *Election Act*, R.S.B.C. 1996, c. 106. The Chief Electoral Officer ensures the fairness, openness and impartiality of the electoral process and cannot be a member of a political party, cannot give money to a political party or candidate and cannot vote in a provincial election.

## CONFLICT OF INTEREST COMMISSIONER

www.gov.bc.ca/oci

The Conflict of Interest Commissioner is a statutory officer of the Legislative Assembly whose office was established in 1990 to act as an adviser to MLAs, assisting them with their obligations under the *Members' Conflict of Interest Act*, R.S.B.C. 1996, c. 287. The Commissioner conducts inquiries into alleged contraventions of the act and meets with each member annually to review the disclosure of the member's financial interests.

## INFORMATION AND PRIVACY COMMISSIONER

www.oipcbc.org

The Information and Privacy Commissioner is a statutory officer of the Legislature whose office was established in 1993. The Commissioner is responsible for ensuring that the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 achieves its purpose.

The act provides the public with the right of access to the records of government and other public bodies and establishes an individual's right to the protection of personal information. The Commissioner investigates, audits and hears appeals about matters of privacy protection and attempts to resolve complaints regarding compliance with the act. The Information and Privacy Commissioner must uphold the values of access to information and privacy, striking the proper balance between the public's right to information and an individual's right to confidentiality.

## OMBUDSMAN

www.ombudsman.bc.ca

An Ombudsman is a statutory, non-partisan officer of the Legislature established by the *Ombudsman Act*, R.S.B.C. 1996, c. 340. The office of the Ombudsman receives inquiries and complaints about the administrative practices and services provided by public bodies. It investigates to determine if the public body is being fair to the people it serves. The Ombudsman can also investigate on his or her own initiative or on a referral from the Legislative Assembly or any of its committees. The Ombudsman reports to the Legislative Assembly.

## POLICE COMPLAINT COMMISSIONER

www.opcc.bc.ca

The Police Complaint Commissioner is a statutory officer of the Legislature tasked with ensuring that complaints against municipal police in British Columbia are handled fairly and impartially.

Pursuant to the *Police Act,* R.S.B.C. 1996, c. 367, the Police Complaint Commissioner provides an accessible way for the public to complain to an independent body about the conduct of any municipal police officer. The Commissioner ensures that the complaints process is conducted with impartiality and fairness, both to members of the public and to the municipal police forces. The Commissioner does not make findings on the validity of complaints but monitors how police departments investigate those complaints.